

REMARKS

Claims 42-83 are now presented for examination. Claims 42, 62, 68, and 77 are independent.

In this Amendment, claims 10-13, 16, 18, and 27-41 have been cancelled without prejudice or disclaimer of subject matter. Claims 42-83 have been added to assure Applicants of a full measure of protection of the scope to which they deem themselves entitled.

In the Office Action, claims 32-34 and 36-39 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter, and also under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Claims 10-13, 16, 18, and 27-41 were rejected under 35 U.S.C. § 103 as obvious from U.S. Patent No. 5,475,441 (*Parulski*) in view of U.S. Patent No. 5,438,359 (*Aoki*).

First, cancellation of claims 10-13, 16, 18, and 27-41 renders the rejections of those claims moot.

Claim 42 specifies that the apparatus includes an application program that utilizes a phone list and provides a way to send digital image data handled by the processing unit through the radio frequency communication unit using recipient information selected from the phone list. Since neither *Parulski* nor *Aoki* teaches or suggests this arrangement, claim 42 is believed patentable over those references.

Claim 62 is a corresponding method claim and is therefore believed patentable for similar reasons.

Similarly, claim 68 and 77 each specifies that image data is wirelessly transmitted to a remote location, and that the application software includes a routine that enables a user to select a destination for a wireless transmission of an image from a list of potential destinations. Since neither *Parulski* nor *Aoki* teaches or suggests this arrangement, claims 68 and 77 are also believed patentable over those references.

The other claims in this application each depend on one of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached by telephone at (212) 969-3246 or by facsimile at (212) 969-2900. Please direct all correspondence to Customer No. 21890 at the address provided below.

Respectfully submitted,

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